

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

JOE F. BEECHER)	
)	
Plaintiff,)	Civil Action No.:
)	
v.)	3:13-CV-00666
)	
FISHNET SECURITY, INC.,)	Jury Trial Demanded
)	
Defendant.)	
)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Defendant FishNet Security, Inc., pursuant to Rule 56 and the applicable local rules, moves for summary judgment on Plaintiff Joe Beecher’s claim of retaliation in violation of the Age Discrimination in Employment Act (“ADEA”). As set forth in the Memorandum in Support, Plaintiff cannot demonstrate that any genuine issue of material fact exists.

First, Plaintiff cannot establish a prime facie case because:

(a) Plaintiff’s “report” to FishNet of an age-based stray remark made by a subordinate co-worker to another co-worker does not rise to the level of protected activity under the ADEA; and

(b) even if Plaintiff’s report did constitute protected activity, it was not the “but-for” cause of Plaintiff’s termination.

Second, FishNet ended Plaintiff’s employment for legitimate, non-discriminatory reasons: Plaintiff was terminated after HR received and investigated several complaints about Plaintiff’s work performance and management skills, and Plaintiff refused to participate in that investigation.

WHEREFORE, FishNet requests the Court grant its motion for summary judgment, dismiss Plaintiff's Complaint, tax costs against Plaintiff, and grant such other relief as the Court deems appropriate.

Respectfully submitted,

Dated: December 8, 2014

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By: /s/ Mark C. Tatum
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ATTORNEYS FOR DEFENDANT FISHNET
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2014, this document was electronically filed through the Court's CM/ECF system, which provided electronic notice to the following counsel of record:

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